

3.5.4 DEED DESCRIPTION FORMAT

The metes and bounds description with reduced plan attached shall be inserted into the deed document by the seller's attorney without being retyped so that each description shall be written from the perspective of the Using Agency as purchaser, in accordance with the following:

3.5.4.1 DEED DESCRIPTION TYPE

The New Jersey Licensed Land Surveyor is responsible for preparing a separate metes and bounds type description of property pursuant to the survey of the property and with reference to the information contained on the plan of survey. This description is to agree with the results of the survey from which it is written in every particular, and for this reason, the description shall not include any information that does not appear graphically or in a factual note on the survey plan. The metes and bounds description shall not be produced on the plan of survey but shall consist of a separate document. A copy of the survey plan reduced in size to 8-1/2 inches by 11 inches shall be stapled to the back of each copy of the description for recording. A separate metes and bounds description document shall be prepared by the New Jersey Licensed Land Surveyor for each fee acquisition area as defined by the survey. One description may include several contiguous lots in common ownership grouped together into one or more survey tracts, but the area of each tax lot shall be stated in addition to the total area contained at the end of the description. A separate metes and bounds description document shall be prepared by the New Jersey Licensed Land Surveyor for recording in a deed of easement if, in addition to a fee area of acquisition, there is also an easement acquisition area as defined by the survey.

3.5.4.2 LETTERHEAD OF SURVEY FIRM

The New Jersey Licensed Land Surveyor shall prepare an original metes and bounds type description of property, separate and apart from the prepared final plan of survey. The first page shall be submitted on an original company letterhead 8 inches by 11 or 14 inches. The letterhead must contain the name of the survey firm, mailing address and street address (if different), and telephone, fax, and email address of the company. Subsequent sheets shall not be letterhead, but may be plain paper or preprinted at the bottom with the name of the survey firm, mailing address and street address (if different), and telephone, fax, and email address of the company. Left edge lined legal paper shall not be used.

3.5.4.3 DESCRIPTION HEADING

Each new metes and bounds description shall contain an appropriate heading and reference information. Use the term description of property for fee acquisitions. Use the term description of easement area for conservation easement areas to be obtained. Use the term description of public access easement for public access corridor descriptions. Other terms may include description of encroachment area, description of exception area, or description of gore area.

All headings shall appear centered at the top of the page, but below any company logo, address, or name. Use the heading "Description of Property" only for fee acquisitions. Use appropriate heading for other estates being acquired, such as "Description of Conservation Easement Area", "Description of Exception Area", "Description of Encroachment Area", "Description of Public Access Area", etc. The heading and reference information shall be substantially in accordance with the following:

DESCRIPTION OF PROPERTY (for fee acquisition, or use
CONSERVATION EASEMENT or **PUBLIC ACCESS EASEMENT** or other term as appropriate)

(project number – project name – Green Acres Survey Ref. #, if any)

Lands N/F (Purported owner) Owner ID#____
(Date)
(Block____, Lot____)
(Municipality)
(Street address)
(County)

3.5.4.4 DESCRIPTION INTRODUCTION

The first paragraph of the metes and bounds description shall be written as follows:

All that certain tract or parcel of land located (at, on or along street address) in the (City, Borough, Town, or Township) of _____, County of _____, New Jersey, bounded and described as follows:

3.5.4.5 DESCRIPTION SECOND PARAGRAPH

The second paragraph shall be used to describe the point of commencement, if any is used, that leads to the description beginning point. The description point of beginning shall be tied in to a record corner or intersection and is generally a found undisturbed or set monument, including its New Jersey Plane Coordinates (NAD 1983) in US Survey Feet to two decimal places. Whenever a called point is a marked corner, the description shall make reference to the type of marker found or set. The description shall state that the bearings that follow are NJSPCS NAD 83.

3.5.4.6 BODY OF DESCRIPTION

The New Jersey Licensed Land Surveyor shall prepare the description with courses running clockwise from the description point of beginning. Each course shall be a new paragraph and shall be numbered. No information shall be provided in the description that does not appear graphically or appear in a factual note form on the plan. Whenever a called point is a marked corner, the description shall make reference to the type of marker found or set, without changing the intention of prior records. As an example, the call TO A POINT should include language such as NOW EVIDENCED BY A CONCRETE MONUMENT SET, TO A POINT NOW EVIDENCED BY A ONE INCH DIAMETER PIPE FOUND, or TO A POINT NEAR A CAPPED IRON PIN FOUND, etc. Of course, original called for markers shall still be called for in the description. An example would be a call TO A CONCRETE MONUMENT SET is now TO A CONCRETE MONUMENT FOUND. The description shall include reference to the Corner Number for corner markers that have been set.

3.5.4.7 USING AUGMENTING AND QUALIFYING CLAUSES

The surveyor is reminded that each description is to be prepared for use in a deed document from the perspective of the Using Agency. An easement that benefits the parcel being surveyed but is located on an adjoining property shall be included in the description using the term TOGETHER WITH such easement and describing its location and utility.

Another example of an augmenting clause to be included in the description if appropriate is if the State of New Jersey had issued a Tidelands Grant and rights associated with the grant are to pass with the parcel being surveyed. This situation would necessitate using the augmenting clause TOGETHER WITH and continuing with the qualifying clause AND SUBJECT TO THE TERMS OF A TIDELANDS GRANT, etc.

An easement located upon the parcel being surveyed that benefits an adjoiner shall be mentioned in a qualifying clause in the description using the term SUBJECT TO such easement, describing its location and utility, and in certain instances, the area shall also be stated.

Qualifying clauses shall also include the area in acres when the parcel being acquired is subject to public rights in a road right-of-way, subject to public rights in a navigable waterway such as a river, subject to a Tidelands Claim of the State of New Jersey, or subject to an overlap of deed description with an adjoining parcel. Such areas shall further be described with metes and bounds following the qualifying clause.

A minor deed gore area may be included in a conveyance by inserting in the deed an augmenting clause of quit claim attached to the surveyor's description at the request of the Using Agency. A deed gore area that is of significance shall be described in a separate metes and bounds description prepared by the New Jersey Licensed Land Surveyor.

3.5.4.8 RECITE AREAS DESCRIBED

The metes and bounds description shall contain a paragraph that recites the total area contained within the metes and bounds description, then specifies the area of each included tax lot. This paragraph shall precede any exception description or any augmenting or qualifying clauses. Exception descriptions shall also contain a paragraph as to the total area of described exception, further specifying the area of each included portion of tax lot.

The total net area and individual net area of each included tax lot shall be restated following an exception description or qualifying clause of paramount public rights, deed overlaps, or Tidelands Claims of the State of New Jersey.

3.5.4.9 CLOSING PARAGRAPH AND CALL FOR SURVEY

To provide a uniform closing of all metes and bounds descriptions, the final paragraph shall contain the following language:

The above description was written pursuant to a survey of property designated as Block _____, Lot _____, on the municipal tax map of (_____) municipality name _____), County of (_____) county name _____), State of New Jersey. Said survey was prepared by (_____) Your firm's name and address _____), (_____) date _____), revised through (_____) last revision date, if any _____) and is marked as file No. _____. A reduced copy of said plan is attached hereto and made a part hereof.

3.5.4.10 ORIGINAL SIGNATURE, EMBOSSED SEAL AND DATE SIGNED

Each separate metes and bounds description shall bear the date, original ink signature and embossed seal of the surveyor who prepared the survey plan. A rubber stamp facsimile, mechanically reproduced, or computer-generated signature is not acceptable.